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SOURCE Dziennik Ustaw.

POLISH LAW OF 22 NOVEMBER 1952 ON STATE CONTROL

To control the realization of the national economic plans of the Government of the Polish People's Republic, to control the execution of the government's decisions, and to supervise discipline in the state, economic, and financial fields, the following is herewith enacted:

SECTION I

The Office of Minister of State Control

- Article 1. The office of Minister of State Control is hereby established.
- Article 2. The Minister of State Control directs state control.

SECTION II

The Scope of State Control Activities

- Article 3. The scope of state control activities includes:
- (1) Ministries, commissions, and committees, as well as central agencies functioning as supreme organs of state administration and agencies under their jurisdiction.
  - (2) State enterprises, establishments, and institutions /state corporations/, as well as those under state administration /without status of a legal person/.
  - (3) Cooperatives and cooperative organizations and enterprises.
  - (4) Organizations and institutions receiving assistance from the state or working on projects assigned by the state.

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## SECTION III

The Tasks of State Control and Means of Enforcement

Article 4. The following are the tasks of state control:

- (1) Control of the productive, economic, financial, and organizational-administrative activities of the units under control, and particularly the recording, maintaining, and expending of funds and materials, and the administration of these functions.
- (2) Control of the execution of decisions of the Council of Ministers and plan assignments.
- (3) Submission to the Council of Ministers of comments on reports on the execution of the state budget on schedule and in the manner determined by the Council of Ministers.
- (4) Submission of reports to the Council of Ministers in cases of special importance, and submission of proposals when the results of specific controls demand governmental investigation.

Article 5. State control supervises the protection of public property and the legality, economic efficiency, honesty, and expediency of the activities of all the units under control, and also combats duplication of the administrative apparatus and bureaucracy.

Article 6.

1. State control is based on the active cooperation of the working masses.
2. State control operations are carried out in cooperation with the social control of the people's councils. The method of cooperation will be determined by the Council of State.

Article 7.

1. State Control performs:
  - (1) The initial control, i.e. control of planned activities.
  - (2) The factual control, i.e. the control of activities in the course of their performance.
  - (3) The subsequent control, i.e. the control of activities performed.
2. The initial control is made only in cases specified by special decisions of the government.

Article 8.

1. The state control authority carries out planned or spot controls on its own initiative and on governmental order.
2. The operational procedures of state control will be determined in detail by the Council of Ministers on the motion of the Minister of State Control.

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Article 9. The Minister of State Control coordinates state control activities with financial control activities and with other lines of control, according to principles to be determined by the Council of Ministers.

Article 10. Regulations on budget accounting and on accounting in units with clearing accounts (model account plan) will be issued in agreement with the Minister of State Control.

#### SECTION IV

##### The Organization of State Control

Article 11. The internal organization of the Ministry of State Control will be defined by an organizational statute issued by the Council of Ministers.

Article 12. The Council of Ministers will determine by ordinance the organization and the scope of activities of state control units in the field.

Article 13.

1. The Council of Ministers may introduce by ordinance civil service grades for state control employees, and establish rights connected with those grades.

2. The Council of Ministers may introduce uniforms and badges indicating the grades of state control employees.

Article 14. State control employees may be appointed and dismissed by the Minister of State Control, who will observe the rights stipulated in the appropriate regulations for the Chairman of the Council of Ministers.

Article 15. Civil service regulations will be applied to state control employees unless this law or special regulations determine otherwise.

Article 16. State control employees are subordinate to the Minister of State Control, and in performing their control duties they are independent of field agencies.

Article 17. State control employees are subject to prosecution for their official activities only with the agreement of the Minister of State Control.

Article 18.

1. Employees holding state control positions cannot hold positions with other state or cooperative agencies at the same time.

2. The following are the positions which can be held by employees of state control:

(1) A member of the Sejm or of a people's council.

(2) An independent scholar teaching in an institution of higher education.

3. Holding positions other than those mentioned in Paragraph 2, Point 2 is permitted only with the consent of the Minister of State Control and only if such positions are not detrimental to the state control service.

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## SECTION V

The Rights and Duties of State Control

Article 19. In order to fulfill the tasks outlined in this law, state control is empowered:

- (1) To carry out controls, review operations, and check up on the productive, economic, financial, and organizational-administrative operations of the units under control.
- (2) To assign its employees to carry out control operations where written authorization has been issued.
- (3) To require the units liable to state control to produce books, balance sheets, plans, records, orders, and other documents.
- (4) To require the units liable to state control to furnish all explanations and information on matters covered by state control activities.
- (5) To delegate its officials to participate in discussions held by the boards of ministries, commissions, and committees functioning as supreme organs of the state administration and the central state agencies, as well as in conferences on production and in other meetings called by units covered by state control activities.
- (6) To enter service premises, warehouses, and other places occupied by the units under control.
- (7) To remove from the units under control any documents pertaining to violations of law found by state control, if it is deemed necessary to safeguard such documents.
- (8) To require units under control or units of higher echelons to present statements concerning comments, suggestions, and proposals on future plans for removing irregularities found by the control; and to inform the state control authorities, within the required time, on the proposals put into operation or on any obstacles to their execution.
- (9) To summon and interrogate witnesses or any persons concerned with the provisions of the administrative regulations.
- (10) To summon experts to participate in control work.

Article 20. The state control is instructed:

- (1) To present to the prosecutor of the Polish People's Republic proposals to prosecute persons guilty of criminal abuses or of any other violations discovered in the course of the state control operations.
- (2) To draw up reports on completed control operations.
- (3) To issue regulations requiring the head of the unit under control to eliminate any violations of financial regulations or any lawful state organ regulations on economic matters.

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## Article 21.

1. If a culpable violation of regulations issued by the legally constituted state authorities on financial matters or by any other state organs on economic matters has been established, and if such violation causes any damage, the Ministry of State Control issues a judgment compelling the guilty parties to pay indemnities.

2. An indemnity cannot exceed an amount three times the average salary earned during the previous 3 months.

3. The indemnity judgment can be appealed within 14 days from the date of the verdict, and should be submitted to the Minister of State Control.

4. No civil court claims can be filed against a ruling of the Ministry of State Control.

5. A ruling with an execution clause issued by the Ministry of State Control provides lawful authority for its execution.

6. The Ministry of State Control will not issue a ruling requiring the payment of an indemnity in cases where an employee is brought before a court; in this case, the court rules on the liability to indemnity and determines the amount of indemnification.

## Article 22.

1. In the cases mentioned in Article 20, Paragraph 3, in order to prevent serious damage, the employees in charge of the state control operations are entitled to issue emergency regulations to the heads of the units under control.

2. The employee performing the control operation notifies the Minister of State Control immediately after the emergency regulation has been issued.

## Article 23.

1. The Minister of State Control is empowered, with the agreement of the Chairman of the Council of Ministers or of the competent vice-chairman of the Council of Ministers, to pronounce a disciplinary judgment against an official or a unit under control for a flagrant violation of financial discipline or for violation of any regulations issued by a lawful economic authority or for violations deliberately misleading state control. Soldiers on active military service are subject to disciplinary penalties for these violations before the proper military authorities, on the motion of the Minister of State Control, in accordance with the regulations on the responsibilities of soldiers for disciplinary violations.

2. The following are the penalties for disciplinary violations: warning, censure, severe censure with warning, and dismissal from the position. The penalty of dismissal can be imposed by the Minister of the State Control only with concurrence of the Chairman of the Council of Ministers.

3. The disciplinary penalty action ruled by the Minister of State Control should be noted in the personnel records of the employee thus punished. The Minister of State Control is also empowered, with the concurrence of the Chairman of the Council of Ministers, to order the publication of the sentence in the press.

4. An opportunity should be granted to the employee in question to submit an explanation before the disciplinary judgment is imposed.

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5. The Council of Ministers establishes the term after which the penalty will be annulled.

6. The Minister of State Control is empowered, on the motion of the adjudged employee or of his authorized superiors, with the concurrence of the Chairman of the Council of Ministers, to rescind the penalty imposed under Paragraph 1 and to order it stricken from the employee's records.

#### Article 24.

1. Details concerning the procedure of issuing rulings (Article 20, Paragraph 3), decisions on indemnification (Article 21), emergency regulations (Article 22), and disciplinary penalties (Article 23) will be determined by an ordinance of the Council of Ministers.

2. The Council of Ministers, on the motion of the Minister of State Control, will determine the categories of State Control officers authorized to issue rulings (Article 20, Paragraph 3), and decisions on indemnification (Article 21).

3. The Council of Ministers can reverse or amend the rulings or decisions of the Minister of State Control.

### SECTION VI

#### Interim and Final Regulations

Article 25. The Supreme Chamber of Control is hereby abolished.

Article 26. The agenda of the Supreme Chamber of Control is transferred to the Ministry of State Control.

Article 27. References to the Supreme Chamber of Control or its field agencies in regulations existing hitherto are to be understood as references to the Ministry of State Control.

Article 28. The Law of 9 March 1949 on State Control (Dziennik Ustaw, No 13. Item 13) is hereby invalidated.

Article 29. This law becomes valid on the day of its publication.

Chairman of the Council of State: A. Zawadzki  
Secretary of the Council of State: M. Rybicki

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